

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Terrence Frederick Cooke

Docket No. 5:03-CR-162-1BO

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Terrence Frederick Cooke, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute at Least 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(b)(1)(A) and 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 22, 2003, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On July 16, 2005, as a result of a Motion for Reduction of Sentence Pursuant to Rule 35, the term of imprisonment was reduced to 90 months, and on April 9, 2010, Terrence Frederick Cooke was released from custody, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 22, 2011, the defendant tested positive for the use of cocaine. When confronted by the probation officer, the defendant initially denied any drug use; however, upon further inquiry, he eventually acknowledged using cocaine on March 17, 2011, due to stress. In view of his drug use, enrollment in the DROPS Program and completion of a 2-day period of incarceration are recommended. The defendant is also being referred for substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days and shall abide by all rules and regulations of the designated facility.

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2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin in the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 8, 2011

ORDER OF COURT

Considered and ordered this 9 day of April, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge